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# PRACTISING DEMOCRATIC FOREIGN POLICY: DFAIT'S CONSULTATIONS WITH CANADIANS

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# PRACTISING DEMOCRATIC FOREIGN POLICY: DFAIT'S CONSULTATIONS WITH CANADIANS

**by**

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*". . . foreign policy is no longer the exclusive domain of governments."*
The Honourable Lloyd Axworthy

In principle, at least, this is now settled: Canadian foreign policy is to be formulated, executed and evaluated with the full participation of the Canadian people. And it is a principle well grounded in three facts of global life. First, the security, prosperity and democratic values of Canadians are at once advanced and jeopardized by what happens beyond our borders and shores. Second, neither the Canadian nor any other government can pursue those interests alone—or even with other governments. The successful exercise of foreign policy is now a collaboration of governments with others in the global community; those include nongovernmental organizations, labour, business, and the growing population of intergovernmental institutions. The third fact follows: Every Canadian has a personal and direct stake in the conduct of foreign policy, be it in environmental protection, the organization of a fairer and prosperous world economy, the development of peace, or the promotion of genuinely democratic governance. People have a right to a voice in the affairs that effect their lives; more than ever, their lives are affected by foreign affairs, and by the Department of Foreign Affairs and International Trade.

Active consultation with Canadians about foreign policy (and about trade policy, inseparable now from foreign policy) is a plainly sound principle. It is also sound strategy. This report, based largely on interviews with members of the department, NGO leaders and scholars, offers a short account of DFAIT's recent experiences in public consultation—especially with NGOs. It then proposes a compact set of recommendations designed to institutionalize the best practices, and to eliminate the worst.

## What *is* consultation?

It has a multitude of meanings, not always made explicit. The North-South Institute's Alison Van Rooy, prominent among Canadian scholar-advocates in this field, has found the term applied to "annual meetings, regular tête-à-têtes, faxed information letters, inclusion on mailing lists, across-the-desk meetings with officers, town hall gatherings, round tables, coffee chats,"

and more.

In truth, consultation can and should include all these methods as needs and opportunities arise. The test of a successful consultation is not the format but the outcome. And one of the essential outcomes—the mark of best practices—is the establishment of lasting relationships among consultation participants. Successful consultations foster relationships between DFAIT and the organizations is consults with. No less important, consultation fosters relationships among those organizations themselves.

The nature of these relationships, and the kinds of consultations undertaken, interact powerfully with the policy questions being addressed. As one NGO operative observed in an interview, areas of agreement between DFAIT and NGOs tend to inspire informal, supportive and informative contacts—easy conversations, frequent phone calls, timely e-mails. Areas of disagreement, predictably, generate more formal, less frequent, and more strained consultation patterns and relationships.

It is precisely in these areas of disagreement (trade, noticeably) where relationship-building is hardest and most valuable. Good relationships pay off for all participants because they can withstand the stresses of disagreement. When good intentions and good practice converge, experience proves that DFAIT-NGO relationships can endure even total disagreement on the particulars of an issue, and survive to function productively in pursuit of shared objectives. (This is why multistakeholder meetings, awkward at the start, can help both to introduce contending interests to each other and to involve all parties in a continuous collaboration with the department.)

Another word for this relationship-building is engagement. True consultation does not just mean talking to NGOs, or listening passively. It means developing sustained partnerships of policy advocacy, analysis and operations. Partnerships like that can sometimes form over a cup of coffee. They are often felt most strongly in the confusions and exhaustion of a big international conference. They can extend to the field, where NGOs and governments cooperate in the work of implementation. In the end, these partnerships define consultation more than any single episode of dispute or agreement.

**From principle to strategy: what consultation can do**

DFAIT furthers its objectives by consulting directly with Canadians at every phase of the policy process—from problem identification and policy formulation to execution and evaluation. For proof, consider two successes and a failure.

Completion and implementation of the Landmines Convention, and creation of the International Criminal Court, were achieved in strong partnerships of like-minded governments with Canadian and international NGOs (and others) joined in common purpose. DFAIT-NGO consultations contributed both to the successful negotiating processes and to the content of the resulting agreements. The failure (from some points of view) was the collapsed effort to negotiate the Multilateral Agreement on Investment—an enterprise so deficient in transparency that "MAI" is now remembered as synonymous with secrecy, arrogance, corporate insiderism, and finally popular revolt. Together, these three cases tell much about the strategic value of open and accountable public consultation.

Consultation supplies the department with otherwise inaccessible information and advice, on everything from the implications of stumpage fees and beef hormones to copyright law and the protection of war-affected children. As foreign policy grows more complex and more extensively embedded in the daily lives of Canadians, and as Canadians form deeper understandings of events outside the country, consultation becomes the best means, sometimes the only means, of gathering and integrating vast amounts of unfamiliar knowledge. (Added advantage: NGOs carry an institutional memory often lost in a rotational, short-staffed department.)

Consultation informs the public. So doing, it reinforces policy decisions with the understanding and legitimacy that only transparency and accountability can create. Policy becomes more durable, its costs reduced and more readily accepted. Information is the common currency of coalitions—the necessary alliances by which the department mobilizes opinion and executes policy in partnership with NGOs in Canada and abroad. Information (when it is reliable and trusted) serves also to subdue hostility even among those who remain critical of a policy or project. When skeptics are fully informed of the pros and cons and compromises of policy, they are more likely to accept its legitimacy, if not its wisdom.

Consultation greatly strengthens the Department of Foreign Affairs in its struggles with other departments in the government, and with other governments. To make an argument about global warming or the operations of the International Monetary Fund, or human rights in China or labour standards in the Americas, DFAIT needs the strength of numbers and the supportive advice it can get from Canadian (and foreign) NGO and labour voices.

By way of example, the International Campaign to Ban Landmines was an indispensable and inextricable member of the NGO/multi-government coalition that finally achieved the treaty. On a newer file, the Canadian Centre for Foreign Policy Development with NGOs has facilitated departmental learning on war-affected children. On innumerable bilateral issues with the United States, DFAIT is well served by a coordinated interplay of Canadian diplomacy in Washington and NGO activities on both sides of the border. (Sometimes, of course, the weight of Canadian NGO opinion seems to work against DFAIT objectives; this is when a fuller departmental knowledge of domestic NGO positions becomes even more urgent.) These are the networks of the new diplomacy, critical to DFAIT's own success.

Two provisos. First, soliciting data, opinion and analysis from NGOs is no excuse for permitting a decline in DFAIT's own capacity for policy analysis. Properly conceived consultation demands more resources, not less: Maintaining useful web sites; preparing productive meetings; consolidating the results and promptly reporting back to participants all require significant investments of people and time. Even so, resources spent early in these processes repay themselves manyfold in better policy, more efficient and effective implementation, and stronger public support.

Second, while there is nothing wrong in mixed motives, there is plenty wrong in mixed messages. It is important to the success of any consultation that members of the department speak frankly to NGO representatives about their own objectives—and accept the same candour from the NGOs. Misunderstandings about the purpose of a meeting—to gather facts, hear opinion, form a consensus, or secure energetic commitments—are probably the commonest source of discontent, suspicion and resentment. On both sides.

**"Nothing is just trade."**

The department's capacity for consultation, and the commitment of its senior management to the obligations of consultation, are tested now most severely in the conduct of trade policy. From APEC in Vancouver to the World Trade Organization in Seattle to the intended Free Trade Area of the Americas, trade policy has aroused on all sides animosities of mistrust, uncertainty and frustration. This is not a mere failure of effort; in fact, Trade Policy officers have spent unprecedented energies opening the policy process to parties beyond the department's traditional business "clientele." The worst problems here are institutional and political, and they are rooted in a puzzle the department has yet to solve.

The puzzle is this: How can DFAIT integrate non-trade issues, interests and objectives into the making of trade policy? The worst (and a usual) answer is to say that trade negotiations and agreements cannot be expected to carry all of life's concerns with them. To pretend that trade and investment are somehow separate from other questions is just fatuous—especially if trade treaties give the appearance of trumping all other treaties and even domestic law. As one trade officer put it in an interview: "Nothing is just trade."

Nor does it seem promising (against the opposition of foreign governments) to answer by saying no trade agreement will be signed without provisions on human rights, labour or environmental standards. NGOs and labour organizations themselves can sound ambivalent on this point. Some oppose virtually any treaty of liberalized trade or investment. Some would attach social, environmental or human rights obligations to any trade treaty—in effect, capturing the enforceability of trade law for non-trade interests. Still others would undo the pre-eminence of trade and investment, and elevate human rights, environmental and labour agreements as equally enforceable. It was this confusion of objectives, along with much else, that occupied the streets and corridors of Seattle at the WTO meetings.

The object of this paper is not to solve the puzzle. But there is a very strong view, within and outside the department, that DFAIT is stymied on this by its own institutional bifurcation between trade and "everything else." In the words of a senior officer in an important geographic unit: "I understand the frustrations of NGOs. The trade policy people don't tell *me* what they're doing. They don't accept that everything is *connected*."

The effects of this institutional disconnection on consultation are endlessly destructive. There is a chronically dysfunctional conflict here, and it is hard to imagine how it can be resolved with the department divided as it is—and while ministers and senior-most managers allow the division to poison consultation processes.

**A structural hypocrisy?**

The department's ministers, deputy ministers and assistant deputy ministers often assert their commitment to consultation, transparency and accountability. Yet there is no strategic, overall framework to activate and coordinate DFAIT's consultation performance. Neither (except in the longer hours worked by the relatively few officers personally charged with consultation duties) is there evidence of significant new resources directed to consultation. To declare the high importance of consulting Canadians, and then not to practise the principle, does look like a kind

of structural hypocrisy.

That is the experience that many NGO representatives and others report—a recurring failure by the department, notwithstanding good intentions among individual officers, to deliver on the rhetorical promise. This will undermine the credibility of the department and its ministers. And it will perpetuate spirals of suspicion, missed opportunities and disappointment.

**A contrarian's view**

It is just possible that all the foregoing is fashionable bunkum. "I have two clients, namely, my two ministers," declares a very experienced member of the department. His critique of the consultation model is both practical and principled. In practice, he sees multistakeholder meetings specifically as generally futile; they do not, he thinks, efficiently contribute to good policy. "There are those who govern and those who oppose, and NGOs are part of the opposition." And in principle, he argues, consultation threatens to undercut parliamentary democracy: When there is no settled agreement on a question, it should be decided on Parliament Hill and not left to be canvassed by public servants. It is only technical detail that belongs with public servants—reporting not to the public but to ministers.

This is probably wrong. Consultation is complementary to parliamentary procedures, and does not replace them. A lively democracy is not defined only by elections (which confer uncertain mandates at best), or even by the work of the Commons and its committees. It is characterized by a continuous discourse of citizens with their government. As a practical matter, furthermore, many important details of policy will not be argued, decided, or even addressed on Parliament Hill. What has changed as well is that more people—and more kinds of people—are exercising their right and their ability to take part in the foreign policy process. It is hardly a process the Department of Foreign Affairs can evade.

**Best practices and recommendations**

**1.** Ministers, deputy ministers and assistant deputy ministers should enable consultation—and energize their own commitment—by allocating adequate resources to it. Managing web sites, organizing meetings, and following up with useful reports are very labour-intensive activities. Indeed, successful consultation will demand a cultural transformation in the department that can only occur with consistent leadership from ministers and their topmost executives. Throughout the department, consultation skills should have the importance, and the respect of officers and managers, that go with the other skills of foreign policy professionals.

**2.** The department should establish a small "office of consultation." This unit would supply administrative support to other DFAIT divisions——freeing them from logistics and administration often beyond their normal competence, and reducing the waste of compiling and maintaining multiple overlapping lists of individuals, groups and organizations involved in consultations. The office could operate databases, provide logistical and secretarial services for consultation events, and develop an integrated "best practices" catalogue for use across the department. It would not, itself, conduct consultations; that is the work of line divisions. Nor

should the office be connected (or confused) with the Canadian Centre for Foreign Policy Development. The Centre's own mandate requires a fluency in policy content, and an independence, from which arises its singular value. By contrast, the office of consultation should be fully integrated into the organization of the department, giving specialist administrative support. The costs of the office would be offset by savings in other divisions, and would be repaid in better consultation performance. As an alternative -- or in addition -- divisions should each designate officers responsible for the administrative support of consultations; these officers collectively would constitute a departmental committee on consultation practices and administration.

**3.** The department should accelerate reporting and other forms of follow-up with participants after consultations. In the cases of the Seattle WTO and Toronto FTAA ministerial meetings, as examples, NGO participants otherwise impressed by DFAIT's efforts were discouraged by what they counted as inadequate after-the-fact reporting. There is a feeling among NGOs that their views went unheeded even when they were heard—or at least went unanswered. Insufficient follow-up undermines the good done at Seattle (in praiseworthy briefings for NGOs, among other things) and in Toronto, where some 22 trade ministers met with NGOs. These were two "best practices;" they will be better when followed up with communications that strengthen consultative relationships.

**4.** The department should enlist more NGO members (and others, including academic experts) to serve on Canadian delegations to conferences and negotiations. The best practice here, and perhaps the longest, is the routine inclusion of NGO and other representatives with delegations to the United Nations Commission on Human Rights and related conferences. Membership in delegations immerses NGOs in the real constraints and opportunities of negotiations, encourages coalition-building among like-minded delegations, and creates for DFAIT an efficient feeler-feedback mechanism for testing possible outcomes. NGOs give the department a sense of what domestic Canadian opinion will demand or tolerate, and of how policies or agreements might work in the field. Delegation membership is an especially strong relationship-builder.

**5.** Even non-fans of DFAIT willingly complimented trade officials who overcame Seattle's crowds and curfews to brief NGOs who were not on the Canadian WTO delegation itself. Transparency amid the turmoil of big conferences is a dispeller of rumour, a builder of trust, and a lesson in the dynamics of multilateralism. The bigger the conference—with long, diverse agendas and cross-cutting domestic and transborder interests—the more necessary transparency will prove to be. Furtive deal-making nowadays will always be defeated by other parties, accident, and the Internet.

**6.** The department should do more to facilitate NGO collaboration not just for the big conferences but in the routines of DFAIT operations. Among present good practices worth enlarging: informal, quarterly conference calls between the department and NGOs around Americas issues; the network of cooperation being developed in the Peacebuilding and Human

Security Division; and the potentially interactive (and already busy) "Trade Negotiations and Agreements" site on the web (at www.dfait-maeci.gc.ca/tna-nac). Consultation needs to become more ordinary, less exceptional, to become more systematic and productive.

**7.** The democratic right to a say in powerful institutions does not stop at the border. DFAIT should redouble efforts to open multilateral institutions and processes to transparency and accountability. Skilful and determined Canadian diplomacy has gone some way, for instance, in reforming Organization of American States and Americas Summit procedures. These are not changes that appeal instantly to authorities in countries where relations between "civil society," governments and legislators remain contentious and ambiguous. (The phrase "civil society" is just as overused and unclear abroad as in Canada, and should be avoided where clarity matters.) But these reforms are important nonetheless. WTO and FTAA negotiations in particular will need a far greater transparency if they are ever to attract the popular support necessary in Canada or anywhere else.

**8.** Finally, it is past time now to advance beyond the rudiments of consultation—to secure real and productive engagement between DFAIT and the Canadian public. Engagement begins with transparency and dialogue, an exchange of learning. But NGOs can also become effective partners as policy implementers. Besides educating DFAIT itself, NGOs can be agents of public education and mobilization, coalition-builders abroad, and uniquely qualified collaborators on the ground, especially in capacity-poor developing countries. These are the partnerships that can give full effect to a democratic foreign policy.

This suggests what could be accomplished when ministers, deputy ministers and assistant deputy ministers—together, from both sides of the trade divide—put in place a coherent and funded strategy of public consultation. The alternative—improvised and reactive exercises in risk avoidance and damage control—will bring the department nothing but trouble, and will dissatisfy Canadians. The department has done much to acknowledge the principle of public participation in Canadian foreign policy. What remains now is to put principle to work in practice.

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